

FILED: December 2, 2021

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 20-1409**

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MAXWELL KADEL; JASON FLECK; CONNOR THONEN-FLECK, by his next friends and parents; JULIA MCKEOWN; MICHAEL D. BUNTING, JR.; C.B., by his next friends and parents; SAM SILVAINE,

Plaintiffs – Appellees,

v.

NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES,

Defendant – Appellant,

and,

DALE FOLWELL, in his official capacity as State Treasurer of North Carolina; UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL; NORTH CAROLINA STATE UNIVERSITY; DEE JONES, in her official capacity as Executive Administrator of the North Carolina State Health Plan for Teachers and State Employees; UNIVERSITY OF NORTH CAROLINA AT GREENSBORO.

Defendants.

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STATE OF CALIFORNIA; STATE OF COLORADO; STATE OF DELAWARE; STATE OF HAWAII; STATE OF ILLINOIS; STATE OF MAINE; COMMONWEALTH OF MASSACHUSETTS; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF VERMONT; STATE OF WASHINGTON; STATE OF WISCONSIN; DISTRICT OF COLUMBIA; EQUALITY NORTH CAROLINA; CLEARINGHOUSE ON WOMEN’S ISSUES; FEMINIST MAJORITY FOUNDATION; GENDER EQUALITY LAW CENTER; HARVARD LAW SCHOOL LGBTQ+ADVOCACY CLINIC; LEGAL VOICE; NARAL PRO-CHOICE AMERICA; NATIONAL CENTER FOR LESBIAN RIGHTS;

NATIONAL HEALTH LAW PROGRAM; NATIONAL WOMEN’S LAW CENTER; NORTH CAROLINA AIDS ACTION NETWORK; PLANNED PARENTHOOD SOUTH ATLANTIC; WOMEN’S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA; WOMEN’S BAR ASSOCIATION OF THE STATE OF NEW YORK,

Amici Supporting Appellees.

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O R D E R

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The Court amends its opinion filed on September 1, 2021, as follows:

On the last line of page 30, the first “to” is changed to “for.”

On the first line of page 37, the word “is” is deleted between “this” and “case.”

For the Court – By Direction

/s/ Patricia S. Connor, Clerk